

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JERRY MANNING,

Plaintiff,

v.

DOUG WADDINGTON,

Defendant.

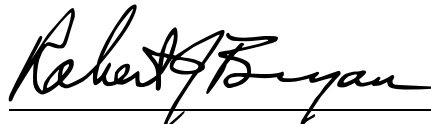
No. C10-5663 RJB/KLS

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen L. Strombom (Dkt. 16), objections to the Report and Recommendation (Dkt. 17), and plaintiff's motion to stay (Dkt. 17), and the remaining record, does hereby find and **ORDER**:

- (1) The Court **ADOPTS** the Report and Recommendation (Dkt. 16). Plaintiff failed to exhaust his administrative remedies. Plaintiff's motion to stay proceedings (Dkt. 17) is **DENIED**. The dismissal of this case is without prejudice. Plaintiff is not precluded from pursuing this matter in a subsequent case after his release from prison.
- (2) Defendant's motion for summary judgment (Dkt. 11) is **GRANTED**. Plaintiff's claims are **DISMISSED WITHOUT PREJUDICE** for failure to exhaust administrative remedies.
- (3) The Clerk is directed to send copies of this Order to Plaintiff, counsel for Defendants and to the Hon. Karen L. Strombom.

DATED this 28th day of January, 2011.



ROBERT J. BRYAN
United States District Judge